

**REPORT OF THE AUDIT OF THE  
MARION COUNTY  
CLERK**

**For The Year Ended  
December 31, 2002**



**CRIT LUALLEN  
AUDITOR OF PUBLIC ACCOUNTS  
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**CRIT LUALLLEN**  
**Auditor of Public Accounts**

To the People of Kentucky  
Honorable Ernie Fletcher, Governor  
Robbie Rudolph, Secretary  
Finance and Administration Cabinet  
Honorable Dave Hourigan, Marion County Judge/Executive  
Honorable Samuel Edward Lee, III, Marion County Clerk  
Members of the Marion County Fiscal Court

The enclosed report prepared by Kapp & Company, PLLC, Certified Public Accountants, presents the statement of receipts, disbursements, and excess fees of the County Clerk of Marion County, Kentucky, for the year ended December 31, 2002.

We engaged Kapp & Company, PLLC, to perform the financial audit of this statement. We worked closely with the firm during our report review process; Kapp & Company, PLLC, evaluated the Marion County Clerk's internal controls and compliance with applicable laws and regulations.

Respectfully submitted,

A handwritten signature in cursive script, reading "Crit Luallen".

Crit Luallen  
Auditor of Public Accounts

Enclosure





## **EXECUTIVE SUMMARY**

### **AUDIT EXAMINATION OF THE MARION COUNTY CLERK**

**For The Year Ended  
December 31, 2002**

Kapp & Company, PLLC, has completed the Marion County Clerk's audit for the year ended December 31, 2002. We have issued an unqualified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

#### **Financial Condition:**

Excess fees increased by \$12,753 from the prior calendar year, resulting in excess fees of \$69,466 as of December 31, 2002. Revenues increased by \$432,100 from the prior year and disbursements increased by \$419,347.

#### **Report Comment:**

- Lacks Adequate Segregation Of Duties

#### **Deposits:**

The Clerk's deposits were insured and collateralized by bank securities or bonds.



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**Kapp & Company, PLLC**  
Certified Public Accountants &  
Business Advisors

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Independent Auditor's Report

We have audited the accompanying statement of receipts, disbursements, and excess fees of the County Clerk of Marion County, Kentucky, for the year ended December 31, 2002. This financial statement is the responsibility of the County Clerk. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the County Clerk's office prepares the financial statement on a prescribed basis of accounting that demonstrates compliance with the modified cash basis and laws of Kentucky, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the receipts, disbursements, and excess fees of the County Clerk for the year ended December 31, 2002, in conformity with the modified cash basis of accounting.

To the People of Kentucky  
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In accordance with Government Auditing Standards, we have also issued our report dated September 17, 2003, on our consideration of the County Clerk's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grants. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be read in conjunction with this report in considering the results of our audit.

Based on the results of our audit, we have presented the accompanying comment and recommendation, included herein, which discusses the following report comment:

- Lacks Adequate Segregation Of Duties

Respectfully submitted,

A handwritten signature in cursive script that reads "Kapp & Company, PLLC".

Kapp & Company, PLLC

Audit fieldwork completed -  
September 17, 2003

MARION COUNTY  
HONORABLE SAMUEL EDWARD LEE, III, COUNTY CLERK  
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES

For The Year Ended December 31, 2002

Receipts

State Grants		\$	21,936
State Fees For Services			7,478
Fiscal Court			3,600
Licenses and Taxes:			
Motor Vehicle-			
Licenses and Transfers	\$	419,863	
Usage Tax		1,287,929	
Tangible Personal Property Tax		947,207	
Licenses-			
Fish and Game		2,558	
Marriage		5,279	
Occupational		8,228	
Deed Transfer Tax		43,607	
Delinquent Tax		95,716	2,810,387
Fees Collected for Services:			
Recordings-			
Deeds, Easements, and Contracts	\$	15,612	
Real Estate Mortgages		32,291	
Chattel Mortgages and Financing Statements		61,077	
Powers of Attorney		1,208	
All Other Recordings		35,392	
Charges for Other Services-			
Copywork		4,470	
Postage		580	150,630
Other:			
Refunds/Miscellaneous/Corrections	\$	6,818	
Returned Checks Redeposited		2,276	9,094
Interest Earned			2,131
Total Receipts		\$	3,005,256

The accompanying notes are an integral part of this financial statement.

MARION COUNTY  
HONORABLE SAMUEL EDWARD LEE, III, COUNTY CLERK  
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES  
For The Year Ended December 31, 2002  
(Continued)

Disbursements

Payments to State:

Motor Vehicle-

Licenses and Transfers \$ 326,670

Usage Tax 1,249,190

Tangible Personal Property Tax 355,044

Licenses, Taxes, and Fees-

Fish and Game 2,453

Delinquent Tax 13,388

Legal Process Tax 17,172

Candidate Filing Fees 1,080 \$ 1,964,997

Payments to Fiscal Court:

Tangible Personal Property Tax \$ 76,947

Delinquent Tax 12,203

Deed Transfer Tax 41,427

Occupational Licenses 6,620 137,197

Payments to Other Districts:

Tangible Personal Property Tax \$ 473,373

Delinquent Tax 46,802 520,175

Payments to Sheriff 1,368

Payments to County Attorney 13,395

Operating Disbursements and Capital Outlay:

Personnel Services-

Deputies' Salaries \$ 136,541

Part-Time Salaries 2,950

Employee Benefits-

Employer's Share Social Security 14,764

Employer's Paid Health Insurance 25,129

Other Payroll Disbursements 2

Contracted Services-

Printing and Binding 4,601

Materials and Supplies-

Election Expense 137

The accompanying notes are an integral part of this financial statement.

MARION COUNTY  
HONORABLE SAMUEL EDWARD LEE, III, COUNTY CLERK  
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES  
For The Year Ended December 31, 2002  
(Continued)

Disbursements (Continued)

Operating Disbursements and Capital Outlay:  
(Continued)

Other Charges-			
Conventions and Travel	\$	2,947	
Dues		450	
Postage		5,616	
Microfilming		4,625	
Refunds		5,846	
Special Project- Library and Archives		22,762	
Miscellaneous		752	
Returned Checks		2,712	
		<u>2,712</u>	\$ 229,834
Total Disbursements			<u>\$ 2,866,966</u>
Net Receipts			\$ 138,290
Less: Statutory Maximum	\$	62,259	
Training Incentive Benefit		<u>2,965</u>	<u>65,224</u>
Excess Fees			\$ 73,066
Less: Expense Allowance			<u>3,600</u>
Excess Fees Due County for 2002			\$ 69,466
Payments to County Treasurer - February 3, 2003			<u>65,000</u>
Balance Due at Completion of Audit			<u><u>\$ 4,466</u></u>

The accompanying notes are an integral part of this financial statement.

MARION COUNTY  
NOTES TO FINANCIAL STATEMENT

December 31, 2002

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of receipts over disbursements to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

The financial statement has been prepared on a modified cash basis of accounting, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Under this basis of accounting, certain receipts and certain expenditures are recognized as a result of accrual at December 31, 2002.

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the County Treasurer in the subsequent year.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the County Clerk's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Employee Retirement System

The county officials and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a multiple-employer public retirement system that covers all eligible full-time employees. Benefit contributions and provisions are established by statute. Nonhazardous covered employees are required to contribute 5.0 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 6.41 percent for the first six months and 6.34 percent for the last six months of the year.

MARION COUNTY  
NOTES TO FINANCIAL STATEMENT  
December 31, 2002  
(Continued)

Note 2. Employee Retirement System (Continued)

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65.

Historical trend information pertaining to CERS' progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Retirement Systems' annual financial report which is a matter of public record.

Note 3. Deposits

The County Clerk maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC). According to KRS 64.480(1)(d) and KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the County Clerk and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution. These requirements were met, and as of December 31, 2002, the County Clerk's deposits were fully insured or collateralized at a 100% level with collateral of either pledged securities held by the County Clerk's agent in the County Clerk's name, or provided surety bond which named the County Clerk as beneficiary/obligee on the bond.

Note 4. Grant

In the calendar year 2000, the County Clerk received a local records microfilming grant from the Kentucky Department for Libraries and Archives in the amount of \$21,936 and earned interest on these grant funds totaling \$826. The total amount of the grant and earned interest was expended in the calendar year 2002, for a total of \$22,762.

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## COMMENT AND RECOMMENDATION



MARION COUNTY  
SAMUEL EDWARD LEE, COUNTY CLERK  
COMMENT AND RECOMMENDATION

For The Year Ended December 31, 2002

INTERNAL CONTROL - REPORTABLE CONDITIONS:

Lacks Adequate Segregation Of Duties

During our review of internal control, we found that the office has a lack of segregation of duties. Due to the entity's diversity of official operations, small size and budget restrictions, the official has limited options for establishing an adequate segregation of duties. However, the lack of segregation of duties is hereby noted as a reportable condition pursuant to professional auditing standards. We believe this reportable condition as described above is a material weakness. We recommend that the following compensating controls be implemented to offset this internal control weakness:

- The Clerk should periodically agree daily check-out sheet totals to receipts ledger and deposit slip.
- The Clerk should periodically compare the bank reconciliation to the balance in the checkbook. Any differences should be reconciled.
- The Clerk should agree monthly reports to receipts ledger and disbursements ledger.

Completion of these reviews should be evidenced by the Clerk's initials.

*County Clerk's Response:*

*No response.*

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REPORT ON COMPLIANCE  
AND ON INTERNAL CONTROL OVER FINANCIAL  
REPORTING BASED ON AN AUDIT OF THE FINANCIAL STATEMENT  
PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS





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Report On Compliance And On Internal Control  
Over Financial Reporting Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards

We have audited the statement of receipts, disbursements, and excess fees of the Marion County Clerk for the year ended December 31, 2002, and have issued our report thereon dated September 17, 2003. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Compliance

As part of obtaining reasonable assurance about whether the Marion County Clerk's financial statement for the year ended December 31, 2002, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under Government Auditing Standards.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Marion County Clerk's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement and not to provide assurance on the internal control over financial reporting. However, we noted a certain matter involving the internal control over financial reporting and its operation that we consider to be a reportable condition. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control over financial reporting that, in our judgment, could adversely affect the entity's ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statement. A reportable condition is described in the accompanying comment and recommendation.

- Lacks Adequate Segregation Of Duties

Report On Compliance And On Internal Control  
Over Financial Reporting Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards  
(Continued)

Internal Control Over Financial Reporting (Continued)

A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the financial statement being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be reportable conditions and, accordingly, would not necessarily disclose all reportable conditions that are also considered to be material weaknesses. However, we believe the reportable condition described above is a material weakness.

This report is intended solely for the information and use of management and is not intended to be and should not be used by anyone other than the specified party.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kapp & Company, PLLC".

Kapp & Company, PLLC

Audit fieldwork completed -  
September 17, 2003



